

Chapter 13: Termination of Support

When does child support terminate?

An order of current child support entered by the Court or a court of competent jurisdiction in Delaware shall terminate by operation of law when all minor children subject to said order have reached 18 years of age and graduated from high school.

If the child is over 18 and is still enrolled in high school, then support shall terminate when the child receives a high school diploma or turns 19, whichever event first occurs.

Support can also terminate if custody of all the child(ren) on the support order is transferred to the obligated parent pursuant to an order of a court of competent jurisdiction or the written voluntary agreement of the parents.

Do I need to file something to terminate child support?

Usually, if you fall into any of the three above categories, your child support obligation terminates by operation of law and you do not need to file anything. When this occurs, the parties may receive a Notice of Administrative Adjustment. If you do not receive a Notice of Administrative Adjustment and you believe that your child support obligation should have terminated, you may file a Notice and Motion to revoke Child Support. By filing this Motion, you are explaining the change in circumstances to the Court.

- a Motion to Revoke may only be filed where current support has terminated by operation of law for all children included on the support order or where arrears have been paid in full. Any other modification of a support order must be addressed with a Petition to Modify a Child Support Order.

- a sample Notice and Motion to Revoke Child Support may be found on page 40.

What if custody of the child(ren) changes?

If the Court orders a change of primary residential placement, the parent must provide a copy of the Court Order to DCSE in order for an administrative adjustment to be performed.

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Check the county in which you are filing.

NOTICE AND MOTION TO REVOKE CHILD SUPPORT

Movant

Michael Jones

Address
555 Main Street

Dover, DE 19901

DOB
3/14/1977

Attorney
N/A

Fill in information about the person requesting the termination of support.

Respondent

Sarah Smith

Address
111 South Oak Street

Dover, DE 19901

DOB
2/25/1973

Attorney
N/A

Fill in information about the party currently receiving support.

File Number

CK04-0221

CPI Number

DCSE Number

55527

Other State Number

IV-D STATUS

☐ IV-D ☐ NON IV-D

MOVANT ASSERTS that Michael Jones is under an Order to pay current support in the amount of \$ 500 per month and/or arrears/back support/fees in the amount of \$ 50 per month, and that:

☒ all arrears/back support/fees are paid

☐ the youngest child on the Order is _____ on _____ (☐ Documentation attached)

☐ all the children on the Order moved from the home of _____ on _____. (☐ (See custody Order of _____ or _____ attached))

Check the box that explains to the Court why your support obligation should be terminated.

_____ high school

WHEREFORE, MOVANT SEEKS an Order terminating the ☒ current support ☒ arrears/back support obligation and modifying any Income Withholding Order accordingly. Employer: DEF Corporation

Address 456 North Street Dover, DE 19901

☐ Obligor also wishes payment on arrears/back support to be increased to \$ _____ per _____.

☐ Other: _____

MOVANT AFFIRMS that the above statements are true and that a copy of this motion was deposited in the U.S. Mail on 4/17/2008 with sufficient postage and addressed to ☒ the Division of Child Support Enforcement (appropriate county address on reverse of form) and/or ☒ Sarah Smith at 111 South Oak Street Dover, DE 19901.

4/17/2008
DATE

Sign in the presence of a notary.

Michael Jones
MOVANT/ATTORNEY

SWORN TO AND SUBSCRIBED before me

this date, 4/17/2008

Donna King
NOTARY PUBLIC

NOTICE: RESPONDENT HAS THE RIGHT TO FILE A RESPONSE WITHIN TEN (10) DAYS OF THE SERVICE OF THIS MOTION. IF NO RESPONSE IS TIMELY FILED, THE MOTION MAY BE DECIDED WITHOUT OTHER OPPORTUNITY TO BE HEARD.

PURSUANT TO 13 Del.Code §517, UPON CONSIDERATION OF THE MOTION AND ☐ DCSE account statement ☐ The response ☐ No response ☐ _____

IT IS ORDERED that:

☐ Current Support Order is REVOKED effective _____ ☐ Back Support/Arrears Order is REVOKED.

☐ Income Attachment is ☐ Cancelled ☐ Modified to \$ _____ /mo.

Continued at \$ _____ /mo. on all arrears.

☐ RESPONDENT ☐ DCSE REFUND any OVERPAYMENT ☐ DCSE apply any later payments to arrears.

☐ The motion is denied ☐ OTHER: _____

COMMISSIONER _____ Date Written Order Issued: _____

PARTIES may appeal a final order of a Commissioner by filing and serving written objection to such Order within ten (10) days of the Order, in accordance with 10 De. C. Sec. 915 (d) and Family Court Rule 53.1 (b).

CC: ☒ FILE ☒ PARTIES ☐ DCSE Counsel ☐ DCSE Accounting ☐ DCSE Operations ☐ Reciprocal Agency ☐ _____